

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID S. YARNALL,)	
)	
Plaintiff,)	CONSOLIDATED
)	
v.)	CIV. No.: 05-527-SLR
)	
CPL. ANTHONY MENDEZ, DELAWARE)	CIV. NO.: 06-501-SLR
STATE POLICE - TROOP 7, PTLM)	
LOWE, UNKNOWN OFFICERS WHO)	CIV. NO.: 06-529-SLR
RESPONDED TO SCENE OF)	
MILLSBORO POLICE, AND PFC)	
BUCHERT,)	
)	
Defendants.)	

MOTION FOR SUMMARY JUDGMENT OF
DEFENDANTS PTLM LOWE AND PFC BUCHERT

Defendants Ptlm Lowe and PFC Buchert hereby move for summary judgment pursuant to F.R.C.P. 56 on the grounds that there is no genuine issue of material fact and they are entitled to judgment as a matter of law.

WHEREFORE, moving defendants request that summary judgment be entered in their favor.

AKIN & HERRON, P.A.

/s/ Bruce C. Herron
Bruce C. Herron
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Attorney for Defendants
Ptlm Lowe and PFC Buchert

Dated: May 3, 2007

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NOTICE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, 2007, a copy of DEFENDANTS PTLM LOWE'S AND PFC BUCHERT'S MOTION FOR SUMMARY JUDGMENT was mailed first class to the following party:

David S. Yarnall
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

and was electronically filed with the Clerk of the Court using CM/ECF which will send notifications of such filing(s) to counsel listed below:

Michael W. Tupman, Esquire
Department of Justice
102 West Water Street, Third Floor
Dover, DE 19904-6750

AKIN & HERRON, P.A.

/s/ Bruce C. Herron

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